

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BELLA ZUZEL,**

**Plaintiff,**

**V.**

**CARDINAL HEALTH, INC., and  
RGH ENTERPRISES, INC.,**

## Defendants.

**CARDINAL HEALTH, INC., and  
RGH ENTERPRISES, INC.,**

**Third-Party Plaintiffs,**

**V.**

**AIKIN HOLDING CORP.,**

**Third-Party Defendant.**

## ORDER

**AND NOW**, this **5th** day of **October, 2021**, it is **ORDERED** that:

1. Upon consideration of Third-Party Plaintiffs Cardinal Health, Inc. and RGH Enterprises, Inc.’s Motion for Summary Judgment, and the responses and replies thereto, and for the reasons stated in the Court’s memorandum dated October 5, 2021, the Motion (Document No. 94) is **GRANTED in part, DENIED WITHOUT PREJUDICE in part**, and **DENIED in part** as follows:
- a. The Motion is **GRANTED** as to RGH Enterprises, Inc. with respect to the breach of contract claim for the duty to defend and with respect to its request for a declaratory judgment.
  - b. The Motion is **DENIED WITHOUT PREJUDICE** as to Cardinal Health, Inc. with respect to the common law indemnification claim.

- c. The Motion is **DENIED** as to Cardinal Health, Inc. and RGH Enterprises, Inc. in all other respects.
2. Upon consideration of Third-Party Defendant Aikin Holding Corporation's Motion to Strike Portions of the Affidavit of Warren Lockhart, and the response thereto, and for the reasons stated in the Court's memorandum dated October 5, 2021, the Motion (Document No. 110) is **DENIED as moot**.
3. Upon consideration of Third-Party Defendant Aikin Holding Corporation's Motion for Summary Judgment, and the responses and replies thereto, and for the reasons stated in the Court's memorandum dated October 5, 2021, the Motion (Document No. 118) is **GRANTED in part** and **DENIED in part** as follows:
  - a. The Motion is **GRANTED** with respect to the breach of contract claim for the duty to indemnify and obtain insurance, the breach of contract claim for the duty to defend as to Cardinal Health, Inc, the declaratory judgment claim as to Cardinal Health, Inc., and the common law indemnification claim as to RGH Enterprises, Inc.
  - b. The Motion is **DENIED** in all other respects.

**BY THE COURT:**



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**Berle M. Schiller, J.**